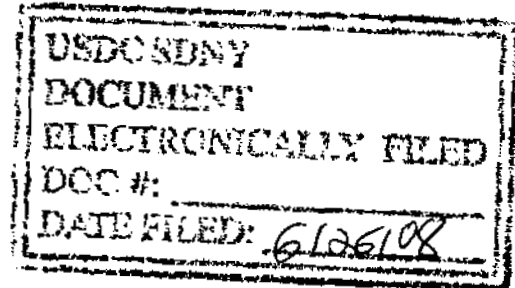


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----x  
KEVIN DAVIS,

Plaintiff,

-against-

OFFICIAL CAPACITY ROBERT SHAW,  
WARDEN OF GEORGE R. VIerno  
CENTER (BEACON); INDIVIDUAL  
CAPACITY CAPTAIN FADINA  
(BADGE NO. 1298),

Defendants.

**ORDER**

07 Civ. 7706 (JSR)(FM)

-----x  
FRANK MAAS, United States Magistrate Judge.

The plaintiff having indicated during a telephone conference earlier today  
that he does not wish to pursue this action, it is hereby ORDERED that:

1. On or before June 26, 2008, the defendants shall send to the plaintiff via express mail a stipulation and order of dismissal discontinuing this action.
2. The plaintiff shall return the stipulation and order to defense counsel within one week, who shall then submit it to the Chambers of Judge Rakoff with a courtesy copy sent to the Chambers of the undersigned.

SO ORDERED.

Dated: New York, New York  
June 25, 2008

FRANK MAAS  
United States Magistrate Judge

Copies to:

Honorable Jed S. Rakoff  
United States District Judge

Kevin Davis  
#07-A-5542  
Sing Sing Correctional Facility  
354 Hunter St.  
Ossining, New York 10562

Baree N. Fett, Esq.  
Assistant Corporation Counsel  
Fax: (212) 788-9776